STATE OF INDIANA	)	IN THE SUPERIOR COURT NO. 5		
COUNTY OF HAMILTON	) SS: )	OF HAMILTON COUNTY		
STATE OF INDIANA vs.		) ) CAUSE NO. 29D05-	-DF-	
	Defendant.	) )		

## CLASS D FELONY WRITTEN ADVISEMENT AND WAIVER OF RIGHTS

Before the court may accept a guilty plea, you must be informed of certain facts and certain rights that you have. You must read this document carefully.

- 1. You have been charged with a **Class D felony**.
- 2. The maximum penalty for a Class D felony is 3 years imprisonment at the Department of Corrections and a \$10,000 fine; the minimum penalty is 6 months imprisonment at the Department of Corrections and no fine. However, you must pay court costs. If less than 3 years separate your discharge from parole, probation, or imprisonment (whichever is later) on a prior felony conviction and the commission of this offense, the Court may suspend only that part of the sentence over 6 months. Otherwise, the Court may suspend all or any part of the penalty. If the Court suspends any part of your sentence, the Court must put you on probation.
- 3. Even though you are pleading to a Class D felony, the Court may convict you as a Class A misdemeanor unless you have received such treatment on a prior, unrelated Class D felony and that prior felony was committed within 3 years of the commission of this offense. The maximum penalty for a Class A misdemeanor is 365 days in jail and a fine of \$5,000. The minimum penalty for a Class A misdemeanor is no days in jail and no fine; however, court costs must be paid. Additionally, the Court may also put you on probation for one year.
- 4. If you are pleading guilty to more than one offense, the Court may impose the penalties concurrently (together) or consecutively (one after the other).
- 5. If you were on probation or parole or were incarcerated at the time you committed this offense, your plea of guilty may have an adverse affect upon your probation, parole, or incarceration status, and any sentence that you may receive for this offense must be consecutive to any sentence for which you may be on probation or parole, or imprisoned.
- 6. If you have a prior history of juvenile or criminal offenses, that fact alone may cause you to receive a harsher penalty than you would otherwise receive.
- 7. You have the right to be represented by an attorney. If you cannot afford an attorney, the Court will appoint an attorney for you. An attorney can help you prepare your case for trial and subpoena witnesses for you. If you choose to proceed without an attorney, you will be giving up this assistance.
- 8. You have the right to a public and speedy trial by jury; the right to confront and cross-examine witnesses against you; the right to subpoena witnesses at no cost; the right to remain silent (you cannot be forced to testify against yourself at any hearing or trial); the right to require the State to prove you guilty beyond a reasonable doubt at a trial before you can be convicted of any criminal offense; and the right to appeal your conviction or any decision made by the judge. By pleading guilty, you will give up each one of these rights.
- 9. By signing this form, you are stating that your plea has been made knowingly and voluntarily and that no

promises, threats, or force have been used to make you plead guilty.

- 10. If the offense to which you are pleading guilty involves the operation of a motor vehicle, notice of your conviction will be sent to the Bureau of Motor Vehicles and will count toward you being a Habitual Traffic Violator.
- 11. If you are pleading guilty to one of the following Class D felonies: Dealing in a Schedule V Controlled Substance (Ind. Code 35-48-4-4), Dealing in a Counterfeit Substance (Ind. Code 35-48-4-5), Possession of a Narcotic Drug (Ind. Code 35-48-4-6), Possession of a Controlled Substance (Ind. Code 35-48-4-7), Dealing in Marijuana (Ind. Code 35-48-4-10), or Possession of Marijuana (Ind. Code 35-48-4-11), then: (a) your license to operate a motor vehicle; (b) your existing motor vehicle registrations; and (c) your ability to register motor vehicles; all must be suspended for a period from 6 months to 2 years, as the Court determines.
- 12. If you are pleading guilty to Operating While Intoxicated (Ind. Code 9-30-5-3), your driving privileges shall be suspended for a period of 1 year to 2 years.
- 13. If you are pleading guilty to Operating While as an Habitual Traffic Violator (Ind. Code 9-30-10-16), your privilege of operating a motor vehicle shall be forfeited for life.
- 14. If you are pleading guilty to Driving While Suspended as a Class D felony (Ind. Code 9-24-18-5(d)), your driving privileges shall be suspended for a period from 90 days to 2 years.
- 15. If you are pleading guilty to a Class D felony that involves the use, abuse, delivery, transportation, possession, or manufacture of alcohol or drugs as material elements of the offense, then your conviction will count toward you being a Habitual Substance Offender.
- 16. If you and the State have entered into a plea agreement on your case and the Judge accepts your guilty plea, the Judge must follow the plea agreement.
- 17. If you are placed on probation and you violate a condition of probation, a petition to revoke your probation may be filed within 1 year after the termination of your probation or 45 days after the State receives notice of the violation, whichever is earlier.
- 18. If you are placed on probation, you must sign an Order of Probation and agree to all of Hamilton County's standard conditions in addition to any special conditions imposed by the Court or by your plea agreement.

I hereby certify that I have been given the opportunity to read the probable cause affidavit filed in this case and the facts contained in it are true and constitute a factual basis for my plea. I also certify that I have read the above statements, understand each paragraph, and do waive and give up each and every right listed.

Defendant's Attorney	Defendant	
Date:	Date:	